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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/240,893	01/29/1999	G. ALEX TERRY	ITC:9905	7923

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EXAMINER

NGUYEN, DUC MINH

ART UNIT	PAPER NUMBER
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2643

32

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/240,893

Applicant(s)

TERRY, ALEX

Examiner

Duc Nguyen

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-46, 48-50, 52, 57-62, 64-65 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 45, 46, 48-50, 52, 57-62, 64 and 65 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 45-46, 48-49, 58-59, 62, 64-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cameron et al (6,317,490) in view of Marchbanks et al (6,266,401).

Consider claim 45. Cameron teaches a method for providing a user access over a data network (col. 2, ln. 29-38) to select billing records associated with an account of the user (col. 3, ln. 5-17), comprising storing billing records associated with the user's account in a database (col. 2, ln. 29-38, fig. 1, BIDR 200; col. 3, ln. 18 to col. 4, ln. 3), including new billing records for which an invoice has not yet been issued to the user (real-time telephone billing information; col. 1, ln. 18-50); inherently receiving a query containing one or more parameters from the user over the data network, the query seeking which of the billing records associated with the user's account satisfy the one or more parameters of the query (col. 3, ln. 5 to col. 4, ln. 3); inherently searching the data base for individual billing records associated with the user's account which satisfy the one or more parameters of the query received from the user (col. 3, ln. 5 to col. 4, ln. 3); and displaying results of the searching to the user over the data network, including displaying the individual billing records associated with the user's account which satisfy the one or more parameters of the query received from the user (the use of data access device 16; col. 3, ln. 5 to col. 4, ln. 3). Cameron further teaches the new billing records, for which an invoice has not yet been issued to the user, include individual transaction charges incurred within a billing period (call table 206 and call data field 218 containing information of the date a call was made and billing rate, etc; col. 3, ln. 36-45; fig. 2).

Cameron does not clearly teach the new billing records include individual transaction charges from a plurality of entities.

Marchbanks teaches an electronic bill processing comprises processing new billing records, the new billing records include individual transaction charges (see fig. 16A-F; col. 9, ln. 7-16) from a plurality of entities (voice and data communications and third-party communications services; see abstract; fig. 16A-F).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Marchbanks into the teachings of Cameron in order to provide a system that enables easy, real time consolidation, monitoring and control of an entity's telecommunications transactions.

Consider claim 46. Cameron further teaches accessing new billing records for which an invoice has not yet been issued to the user (real-time telephone billing information; col. 1, ln. 18-50).

Art Unit: 2643

Consider claims 48-49. Marchbanks further teaches the billing records are telecommunication billing records, web service, Internet service, a telephone service and pager service (fig. 6, 16A-F).

Consider claim 58. Marchbanks further teaches the billing records relate to a plurality of differing communication devices (fig. 6, 16A-F).

Consider claim 59. Cameron further teaches the query are selected from group consisting of calling device, device called, area called, transaction duration, transaction cost, date of transaction, and time of transaction (col. 3, ln. 5 to col. 4, ln. 3; col. 4, ln. 30-46; fig. 2).

Consider claim 62. Cameron teaches a method for providing a user access over a data network (col. 2, ln. 29-38) to select billing records associated with an account of the user (col. 3, ln. 5-17), comprising storing billing records associated with the user's account in a database (col. 2, ln. 29-38, fig. 1, BIDR 200; col. 3, ln. 18 to col. 4, ln. 3), including new billing records for which an invoice has not yet been issued to the user (real-time telephone billing information; col. 1, ln. 18-50); inherently receiving a query containing one or more parameters from the user over the data network, the query seeking which of the billing records associated with the user's account satisfy the one or more parameters of the query (col. 3, ln. 5 to col. 4, ln. 3); inherently searching the data base for individual billing records associated with the user's account which satisfy the one or more parameters of the query received from the user (col. 3, ln. 5 to col. 4, ln. 3); and displaying results of the searching to the user over the data network, including displaying the individual billing records associated with the user's account which satisfy the one or more parameters of the query received from the user (the use of data access device 16; col. 3, ln. 5 to col. 4, ln. 3). Cameron further teaches the new billing records, for which an invoice has not yet been issued to the user, include individual transaction charges incurred within a billing period (call table 206 and call data field 218 containing information of the date a call was made and billing rate, etc; col. 3, ln. 36-45; fig. 2).

Cameron does not clearly teach the new billing records include individual transaction charges from a plurality of entities.

Marchbanks teaches an electronic bill processing comprises processing new billing records, the new billing records include individual transaction charges (see fig. 16A-F; col. 9, ln. 7-16) from a plurality of entities (voice and data communications and third-party communications services; see abstract; fig. 16A-F).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Marchbanks into the teachings of Cameron in order to provide a system that enables easy, real time consolidation, monitoring and control of an entity's telecommunications transactions.

Consider claims 64-65. Marchbanks further teaches the billing records are telecommunication billing records, web service, Internet service, a telephone service and pager service (fig. 6, 16A-F).

3. Claims 50, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cameron et al (6,317,490) in view of Marchbanks et al (6,266,401) as applied to claims 45-46, 62 above, and further in view of Flood (5,864,613).

Consider claim 50. Cameron in view of Marchbanks does not teach the step of providing the user with a customized event monitor, the event monitor alerting the user when telephone transactions meet a specified criteria.

Art Unit: 2643

Flood teaches a long distance transaction event monitor, the event monitor comprising an interface (column 4 lines 8-18); query logic and event monitor (switch intelligence 110 which includes computer system 200; see the abstract; column 1 line 66 to column 2 line 8; column 2 line 60 to column 3 line 10; column 3 line 22 to column 4 line 6 line 5; column 7 line 66 to column 8 line 49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Flood into the teachings of Cameron in view of Marchbanks in order to effectively control the cost of telephone usage.

Consider claim 52. Flood further teaches disabling the telecommunication device when a user-specified criteria relating to the billing records is satisfied (col. 1, ln. 55 to col. 2, ln. 8; col. 4, ln. 42-50; col. 5, ln. 32 to col. 6, ln. 5).

4. Claims 57, 60-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cameron et al (6,317,490) in view of Marchbanks et al (6,266,401) as applied to claims 45-46, 62 above, and further in view of Buhler et al (6,104,704).

Consider claims 57, 60-61. Cameron in view of Marchbanks does not clearly teach the data network (data access 16) is the Internet or private packet switched network.

Buhler teaches the data network is the Internet or a private packet switched network (abstract; fig. 4; col. 6, ln. 5-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Buhler into the teachings of Cameron in view of Marchbanks in order to enable customers to access their own relevant data information timely, rapidly and accurately through a client interface or Internet.

Response to Arguments

5. Applicant's arguments filed 9/03/2003 have been fully considered but they are not persuasive.

Regarding the Cameron reference, applicant argues that Cameron fails to disclose allowing the subscriber to retrieve individual charging information from the calling table. In contrast to applicant's assertions, Cameron discloses call table 206 has call data field 218 containing individual charging information (col. 3, ln. 35-45). Cameron further teaches using the user interface 100 to access the BIDR 200, the account table 204 and call table(s) 206 (col. 3, ln. 45-49).

Art Unit: 2643

Regarding the Cameron and Marchbanks references, applicant states that the references fail to show displaying the individual transaction charges for which an invoice has not yet been issued to the user. In contrast to applicant's assertions, Cameron clearly teaches new billing records, for which an invoice has not yet been issued to the user, include individual transaction charges incurred within a billing period (call table 206 and call data field 218 containing information of the date a call was made and billing rate, etc; col. 3, ln. 36-45; fig. 2; real-time querying of billing information data; col. 1, ln. 25-50). Cameron further teaches using the user interface 100 (either by voice or data terminals 14 and 16) to access the BIDR 200, the account table 204 and call table(s) 206 (col. 3, ln. 45-49) which reads on displaying and/or announcing individual transaction charges for which an invoice has not yet been issued to the user. The only limitation missing in Cameron is the new billing records include individual transaction charges from a plurality of entities. Marchbanks shows that it is possible to consolidate and process billing information from a plurality of entities in order to reduce the number of invoices issued to the subscriber (issuing a single invoice to a subscriber).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

Art Unit: 2643

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is 703-308-7527. The examiner can normally be reached on 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Duc Nguyen
Primary Examiner
Art Unit 2643

2/4/04